

1 JEFFREY M. RATINOFF (SBN197241)
Email: jratinoff@mintz.com
2 KARINEH KHACHATOURIAN (SBN 202634)
Email: kkhachatourian@mintz.com
3 MINTZ LEVIN COHN FERRIS GLOVSKY
4 AND POPEO P.C.
1400 Page Mill Road
5 Palo Alto, CA 94304-1124
Telephone: (650) 251-7700
6 Facsimile: (650) 251-7739

7 Attorneys for Plaintiff,
CONTINENTAL D.I.A. DIAMOND PRODUCTS, INC.

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 CONTINENTAL D.I.A. DIAMOND
12 PRODUCTS, INC., a California corporation,

13 Plaintiff,

14 vs.

15 DONG YOUNG DIAMOND INDUSTRIAL
16 CO., LTD., a South Korean company,
DONGSOO LEE, an individual, and DOES 1-
17 10, inclusive,

18 Defendants.

Case No. CV 08-2136 SI

**PLAINTIFF'S REQUEST FOR ENTRY OF
DEFAULT**

Judge: Honorable Susan Illston

Complaint Filed: April 24, 2008
Trial Date: None Set

1 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

2 Plaintiff CONTINENTAL D.I.A. DIAMOND PRODUCTS, INC. ("Continental" or
3 "Plaintiff") respectfully requests that the Clerk of the above-entitled Court enter default against
4 Defendants DONG YOUNG DIAMOND INDUSTRIAL CO., LTD. ("Dong Young") and
5 DONGSOO LEE ("Lee") (collectively "Defendants") in this Action on the grounds that Defendants
6 have failed to appear or otherwise respond to the Complaint within the time prescribed by the
7 Federal Rules of Civil Procedure.

8 On April 30, 2008, Plaintiff served the Complaint filed in this Action on Defendants, as
9 evidenced by the affidavits of service filed with this Court (Document Nos.10-11). Per the Federal
10 Rules of Civil Procedure, the deadline for Defendants to appear or otherwise respond to the
11 Complaint was May 20, 2008. As of the date of this Request, Defendants have not filed an answer,
12 responded to the Complaint, appeared in this Action, or otherwise contacted Plaintiff regarding this
13 Action. The above stated facts are set forth in the accompanying declaration of Jeffrey M. Ratinoff,
14 filed herewith.

15 Dated: May 30, 2008

MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO P.C.

17 /s/ Jeffrey M. Ratinoff

18 By: JEFFREY M. RATINOFF

19 Attorneys for Plaintiff,
20 Continental D.I.A. Diamond Products, Inc.
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7 Attorneys for Plaintiff,
CONTINENTAL D.I.A. DIAMOND PRODUCTS, INC.

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 CONTINENTAL D.I.A. DIAMOND
12 PRODUCTS, INC., a California corporation,

13 Plaintiff,

14 vs.

15 DONG YOUNG DIAMOND INDUSTRIAL
16 CO., LTD., a South Korean company,
DONGSOO LEE, an individual, and DOES 1-
17 10, inclusive,

18 Defendants.

Case No. CV 08-2136 SI

**DECLARATION OF JEFFREY M. RATINOFF
IN SUPPORT OF PLAINTIFF'S REQUEST
FOR ENTRY OF DEFAULT**

Judge: Honorable Susan Illston

Complaint Filed: April 24, 2008
Trial Date: None Set

1 I, Jeffrey M. Ratinoff, hereby declare:

2 1. I am an attorney with the law firm of Mintz Levin Cohn Ferris Glovsky and Popeo
3 PC, counsel for Plaintiff CONTINENTAL D.I.A. DIAMOND PRODUCTS, INC. ("Continental" or
4 "Plaintiff") in the above-captioned matter. Except for those matters set forth on information and
5 belief, I make this declaration of my own knowledge and could and would competently testify as to
6 the matters set forth below if called upon to do so. As for the matters set forth on information and
7 belief, I have been informed that they are true and, based upon such information, believe them to be
8 true. I make this Declaration in support of Continental's request for entry of default in this matter.

9 2. On or about April 24, 2008, Continental filed a Complaint (Document No. 1) against
10 Defendants DONG YOUNG DIAMOND INDUSTRIAL CO., LTD. ("Dong Young"), DONGSOO
11 LEE ("Lee") (collectively "Defendants").

12 3. I am informed and believe, based upon the affidavits of service filed with this Court,
13 Defendants were each personally served with the Summons and Complaint (Document Nos. 10-11),
14 as well as the other required initiating documents, on April 30, 2008.

15 4. On or about May 14, 2008, Plaintiff filed the affidavits of service with the Court
16 (Document Nos. 10-11), true and correct copies of which are attached hereto as Exhibits A and B.

17 5. Per the Federal Rules of Civil Procedure, the deadline for Defendants to answer or
18 otherwise respond to the Complaint was May 20, 2008.

19 6. As of the time of this declaration, according to the docket for this case that is
20 available on PACER, neither Defendant has answered the Complaint.

21 7. As of the time of this declaration, neither Defendant has contacted me regarding
22 responding to the Complaint or regarding this Action.

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1 8. I am informed and believe that, as of the time of this declaration, neither Defendant
2 has contacted my co-counsel regarding the Complaint or regarding this Action.

3 I declare under penalty of perjury under the laws of the United States of America that the
4 foregoing is true and correct to the best of my knowledge, and that this declaration was executed in
5 Palo Alto, California on May 30, 2008.

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8 /s/ Jeffrey M. Ratinoff
9 By: JEFFREY M. RATINOFF

EXHIBIT A

AFFIDAVIT OF SERVICE

**UNITED STATES DISTRICT COURT
Northern District of California**

Case Number: CV08-2136

Plaintiff:

Continental D.I.A. Diamond Products, Inc., etc.

vs.

Defendant:

Dong Young Diamond Industrial Co., LTD, etc., et al

For:

Michael K. Bosworth
Buchanan Ingersoll Rooney, LLP
333 Twin Dolphin Dr.
Suite 700
Redwood Shores, CA 94065-1418

Received by AALLEN BRYANT & ASSOCIATES, INC. on the 28th day of April, 2008 at 9:02 am to be served on
Dong Young Diamond Industrial Co., LTD, Orange County Convention Center, Orlando, FL.

I, Ann F. Harper, being duly sworn, depose and say that on the 30th day of April, 2008 at 12:50 pm, I:

SERVED the within named corporation by delivering a true copy of the **Summons and Complaint for Breach of Contract; Exhibits; Copy of Civil Cover Sheet; Plaintiff's Certificate of Interested Parties; ECF Registration Information Handout; ECF Filing Instructions; Notice of Availability of Magistrate Judge to Exercise Jurisdiction; Order Setting Initial Case Management Conference and ADR Deadlines; Judge Illston's Case Management Conference Order** at the address of **Orange County Convention Center, Orlando, FL** with the date and hour of service endorsed thereon by me to **Dong Soo Lee** as , of the within named corporation, pursuant to F.S 48.081.

Additional Information pertaining to this Service:

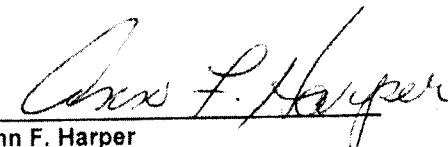
Subject identified as Dong Soo Lee but refused to accept the writs which were left at his feet.

Description of Person Served: Age: 50, Sex: M, Race/Skin Color: Asian, Height: 5' 8", Weight: 160, Hair: Black, Glasses: N

Under penalty of perjury, I declare that I have read the foregoing and that the facts stated in it are true and correct, that I am a **Sheriff's Appointed** process server in the county in which service was effected in accordance with Florida Statutes and I have no interest in the above action. Pursuant to F.S. 92.525(2), no notary is required.

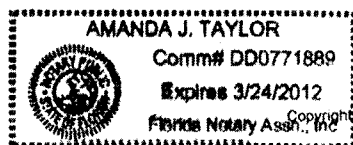
Subscribed and Sworn to before me on the 1st day of
May, 2008 by the affiant who is personally known to
me.


NOTARY PUBLIC-STATE OF FLORIDA


Ann F. Harper
Orange County SPS #P00251

AALLEN BRYANT & ASSOCIATES, INC.
P.O. Box 3828
Orlando, FL 32802-3828
(407) 872-0560

Our Job Serial Number: 2008008318
Ref: 1033904-23



AO 440 (Rev. 04/08) Civil Summons (Page 2)

UNITED STATES DISTRICT COURT **E-filing**
for the
Northern District of California

CONTINENTAL D.I.A. DIAMOND PRODUCTS,
INC., a California corporation,

Plaintiff

v.

DONG YOUNG DIAMOND INDUSTRIAL CO.,
LTD., a South Korean company, DONGSOO LEE, an
individual, and DOES 1-10, inclusive,

Defendant

Civil Action No.

)
) **CV 08 2136**
)
)

SI

Summons in a Civil Action

To: (Defendant's name and address)

DONG YOUNG DIAMOND INDUSTRIAL CO., LTD.
761-4 Dowha-Dong, Nam-GU, Incheon. KOREA 402-060

4-30-8 1250P
Jan 7 Hight

A lawsuit has been filed against you.

Within ___ days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

JEFFREY M. RATINOFF
MICHAEL K. BOSWORTH
BUCHANAN INGERSOLL & ROONEY LLP
333 Twin Dolphin Drive, Suite 700
Redwood Shores, CA 94065
Telephone: (866) 461-4586
Facsimile: (650) 622-2499

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

APR 24 2008

Date: _____

Richard W. Wicking

Name of clerk of court

Helen L. Almacen

Deputy clerk's signature

EXHIBIT B

AFFIDAVIT OF SERVICE

**UNITED STATES DISTRICT COURT
Northern District of California**

Case Number: CV08-2136

Plaintiff:

Continental D.I.A. Diamond Products, Inc., etc.

vs.

Defendant:

Dong Young Diamond Industrial Co., LTD, etc., et al

For:

Michael K. Bosworth
Buchanan Ingersoll Rooney, LLP
333 Twin Dolphin Dr.
Suite 700
Redwood Shores, CA 94065-1418

Received by AALLEN BRYANT & ASSOCIATES, INC. on the 28th day of April, 2008 at 9:02 am to be served on
Dong Soo Lee, Orange County Convention Center, 9400 Universal Blvd., Orlando, FL 32819.

I, Ann F. Harper, being duly sworn, depose and say that on the **30th day of April, 2008 at 12:50 pm, I:**

INDIVIDUALLY SERVED the within named person by delivering a true copy of the **Summons and Complaint for Breach of Contract; Exhibits; Copy of Civil Cover Sheet; Plaintiff's Certificate of Interested Parties; ECF Registration Information Handout; ECF Filing Instructions; Notice of Availability of Magistrate Judge to Exercise Jurisdiction; Order Setting Initial Case Management Conference and ADR Deadlines; Judge Illston's Case Management Conference Order** at the address of **Orange County Convention Center, 9400 Universal Blvd., Orlando, FL 32819** with the date and hour of service endorsed thereon by me, and informed said person of the contents therein pursuant to F.S 48.031(1).

Additional Information pertaining to this Service:

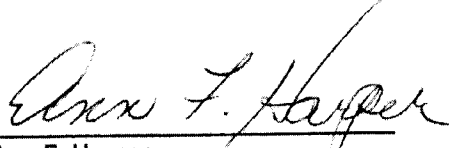
Subject identified himself but refused to accept the writs which were left at his feet.

Description of Person Served: Age: 50, Sex: M, Race/Skin Color: Asian, Height: 5' 8", Weight: 160, Hair: Black, Glasses: N

Under penalty of perjury, I declare that I have read the foregoing and that the facts stated in it are true and correct, that I am a **Sheriff's Appointed** process server in the county in which service was effected in accordance with Florida Statutes and I have no interest in the above action. Pursuant to F.S. §2.525(2), no notary is required.

Subscribed and Sworn to before me on the 1st day of
May, 2008 by the affiant who is personally known to
me.

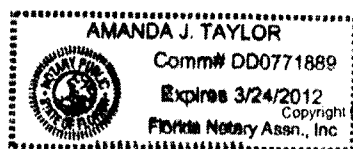

NOTARY PUBLIC-STATE OF FLORIDA



Ann F. Harper
Orange County SPS #P00251

AALLEN BRYANT & ASSOCIATES, INC.
P.O. Box 3828
Orlando, FL 32802-3828
(407) 872-0560

Our Job Serial Number: 2008008319
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AO 440 (Rev. 04/08) Civil Summons (Page 2)

UNITED STATES DISTRICT COURT

for the
Northern District of California

E-filing

CONTINENTAL D.I.A. DIAMOND PRODUCTS,
INC., a California corporation,

Plaintiff

v.

DONG YOUNG DIAMOND INDUSTRIAL CO.,
LTD., a South Korean company, DONGSOO LEE, an
individual, and DOES 1-10, inclusive,

Defendant

Civil Action No.

CV 08

SI

2136

Summons in a Civil Action

To: (Defendant's name and address)

DONGSOO LEE

761-4 Dowha-Dong, Nam-GU, Incheon. KOREA 402-060

A lawsuit has been filed against you.

Within __ days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

JEFFREY M. RATINOFF
MICHAEL K. BOSWORTH
BUCHANAN INGERSOLL & ROONEY LLP
333 Twin Dolphin Drive, Suite 700
Redwood Shores, CA 94065
Telephone: (866) 461-4586
Facsimile: (650) 622-2499

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: APR 24 2008

Richard W. Wicking

Name of clerk of court

Helen L. Almacer